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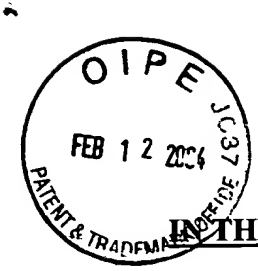

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 24 2004

In re Application of:	:	R. Desai
D. BIGG et al	:	
Serial No.: 09/806,952	:	Group: 1625
Filed: April 5, 2001	:	
For: OPTICALLY...ANALOGUES	:	

475 Park Avenue South
New York, N.Y. 10016
February 12, 2004

RESPONSE

EV404166664US

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Date of Deposit FEB. 12, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

D. Malcolm Leary

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the office action of November 14, 2003, Applicants request reconsideration of the application in view of the remarks presented herein.

The claims in the application are claims 5, 24, 26 and 27, all other claims having been cancelled.

The Examiner has maintained the rejection of all of the claims under 353 USC 103 as being obvious over Hauseer et al and Lavergne et al. The Examiner states that the Hauseer et al reference clearly teaches the Si containing group on the same position but on a camptothecin and the Examiner indicates that in the response of September 12, 2003, Applicants indicated the equivalents of hcpt and cpt but that hcpt is better, more effective and more stable. With respect to the Biochemistry reference, the Examiner

states that it clearly teaches that the lactone cleavage is different in the cpt and hcpt and that the hcpt is more stable and that the highly reactive lactone is not essential for the anticancer activity which, according to the Examiner, Applicants' own arguments strengthen the teaching and makes the rejection even more obvious.

Applicants respectfully traverse this ground of rejection since the Examiner has obviously misinterpreted Applicants' arguments. The facts and the references submitted do not strengthen the teachings of Lavergne et al and do not make the rejection even more obvious.

As Applicants clearly argued in the last response, the hcpt and the cpt are non-equivalent structures as clearly taught by the art submitted with the last response. In contrast to cpt, the key feature of hcpt derivatives is the best stability and a slow and irreversible E-ring opening and with hcpt, there is no stability problem or equilibrium problem to solve as clearly shown by the cancer research. This means that the two structures are non-equivalent and therefore, one skilled in the art would not combine the teachings of a cpt reference with a hcpt reference since it is known that they are non-equivalent structures.

In addition to the non-equivalence between the two types of structures, Applicants further submitted the Biochemistry reference which clearly showed that there is a

difference in the cleavage sites of the DNA by cpt and hcpt which are different in their molecular environment. Therefore, one could not reasonably combine the teachings of hcpt compounds with the teachings of cpt compounds. In addition, Applicants submitted the current Pharmaceutical Design which clearly demonstrated the differences between cpt and hcpt derivatives. Therefore, one skilled in the art would in no way combine the Hauseer et al teaching with the Lavergne et al reference.

Despite these differences in structure and reactivity, Applicants call the Examiner's attention to the table set forth on page 5 of the last response which clearly shows the advantageous features of the Si substituents as compared to the non-Si substituents and therefore, it is believed that Applicants have clearly demonstrated the patentability of the substantial increase in the activity of the corresponding Si compounds as compared to the non-Si compounds. Therefore, withdrawal of this ground of rejection is requested.

In view of the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Muserlian, Lucas and Mercanti

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CAM:ds
Enclosure